

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

CONTEMPORARY CARS, INC., d/b/a
MERCEDES-BENZ OF ORLANDO and
AUTONATION, INC., Single and Joint
Employers,

Respondents.

Case No. 14-3723; 15-1187

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE
RESPOND TO THE NATIONAL LABOR RELATIONS BOARD'S PETITION FOR
ADJUDICATION IN CIVIL CONTEMPT AND FOR OTHER CIVIL RELIEF**

Respondents AutoNation, Inc. and Mercedes-Benz of Orlando ("Respondents"), by and through their undersigned attorneys, respectfully move this Court for an extension of time to answer or otherwise respond to the National Labor Relations Board's ("Petitioner") Petition for Adjudication in Civil Contempt and for Other Civil Relief ("Petition"). In support of this Motion, Respondents state as follows:

1. On October 2, 2017, Petitioner filed its Petition. *See* Dkt. 43.
2. Respondents' answer or other responsive pleading to the Petition is currently due to be filed by October 18, 2017.
3. After being served with the Petition, counsel for Respondents contacted counsel for Petitioner to discuss the Petition and prospects for potential resolution of this matter in the absence of further briefing. *See* Affidavit of Steven M. Bernstein, attached as Exhibit A.

4. Counsel for Petitioner subsequently represented that if Respondents were “planning on making valid offers of reinstatement” to the five complainants in this matter, then it would not oppose the present Motion. Respondents represent that they are willing to do so. *See* Ex. A.

5. Counsel for Petitioner further represented that it would move for a stay of proceedings in this matter upon a timely and persuasive demonstration that Respondents were “moving toward compliance with the Court’s Order in this case.” *See* Ex. A.

6. Pursuant to the foregoing, Respondents request an additional twenty-eight (28) days in which to answer or otherwise respond to Petitioner’s Petition. This extension will provide sufficient time for Respondents to work toward implementation of the remaining aspects of compliance, and for Petitioner to make an informed assessment of Respondents’ remaining implementation efforts.

7. Pursuant to Federal Rule of Appellate Procedure 26(b), “[f]or good cause, the court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires.”

8. Based upon the good cause showing herein and lack of opposition from Petitioner, Respondents request that the Court grant them an extension of time until November 15, 2017 in which to answer or otherwise responsively plead to Petitioner’s Petition.

WHEREFORE, for the reasons above stated, Respondents respectfully request this Honorable Court grant Respondents an extension until November 15, 2017 to answer or otherwise respond to Petitioner’s Petition and to grant other relief it deems fair and just.

Dated: October 13, 2017

Signature Page to Follow

Respectfully submitted,

/s/ Steven M. Bernstein

Counsel for Respondents

Steven M. Bernstein

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2017 I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system. I also certify that the foregoing motion was served on all parties or their counsel of record through the CM/ECF system as all counsel are registered users.

/s/ Steven M. Bernstein

Steven M. Bernstein

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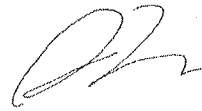
sbernstein@fisherphillips.com

EXHIBIT A

then Petitioner would not oppose a motion by Respondents for an extension of time in which to answer or otherwise respond to the Petition.

6. During my conversation with Mr. Owens, he further stated that Petitioner would move for a stay of proceedings in this matter upon a timely and persuasive demonstration that Respondents were “moving toward compliance with the Court’s Order in this case.”

I declare under penalty of perjury that the foregoing Declaration is true and correct.



Steven M. Bernstein